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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,913	01/24/2001	Kaushal Kurapati	US010026	5022

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,913

Applicant(s)

Kurapati et al.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 13, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US Patent No. 6,481,011B1) in view of Herz et al. (US Patent No. 6,020,883).

Regarding claim 1, Lemmons discloses a user interface for a recommender system, the user interface comprising a display screen having:

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a first region for displaying a rating derived from a previously defined preference profile contained in the recommender system (see col. 6, lines 3-56); and a second region displaying preference settings in the profile which were used to derive the rating (see col. 7, lines 23-53); however, Lemmons fails to explicitly teach wherein the preference settings can be changed if the rating derived by the profile is incorrect.

Herz teaches wherein the preference settings can be changed if the rating derived by the profile is incorrect (see col. 13, lines 53-67). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide wherein the preference settings can be changed if the rating derived by the profile is incorrect as taught by Herz to the interactive program guide user's interests in order to provide a program guide system which a user may set up a profiled based on various preference attributes indicative of a user's interests.

Regarding claim 2, Lemmons discloses wherein the profile is an explicit-based preference profile (see col. 7, lines 53-67).

Regarding claim 3, Lemmons discloses wherein the profile is an implicit-based preference profile (see col. 8, lines 6-51).

Regarding claim 4, Lemmons discloses comprising a third region for displaying a rating derived from a previously defined second profile contained in the recommender system (see col. 9, lines 1-65).

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Regarding claims 5 and 6, Lemmons discloses wherein the profile is an explicit-based preference profile and the second profile is an implicit-based preference profile (see col. 10, lines 9-67).

Regarding claim 7, Herz discloses wherein the preference settings displayed in the fourth region can be changed if the rating derived by the profile is incorrect (see col. 15, lines 10-65).

Regarding claims 8 and 9, Lemmons discloses wherein the second region further enables features to be added to the profile; and wherein the recommender comprises a television show recommender and the preference profile comprises a television show viewing preference profile (see col. 11, lines 11-67).

Claim 10 differ from claim 1 in that "displaying a rating derived from the previously defined preference profile; displaying preference settings in the profile which were used to derive the rating; and enabling the user to change at least one of the preference settings if the rating derived by the profile is incorrect" which broadly read on Herz (see col. 15, lines 45-65 and col. 17, lines 19, lines 43-64).

As claims 11-32 are analyzed as previously discussed with respect to claims 1- 10 above.

Response to Arguments

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3. Applicant's arguments filed on November, 11 2003 have been fully considered but they are not persuasive.

On page 9 of the Remark, Applicant argues that Herz and Lemmons do not teach or suggest "displaying a rating in a first region". However, the limitations as claimed broadly read on "the program guide may provide the user with the option of selecting a rating (G, PG, TV-Y, etc.), a range of ratings (e.g., the R rating and all ratings for more mature audiences), or a parental control advisory (e.g., this program contains strong language, etc.) and assign a particular color at step 62 (FIG. 3). At step 50, the program guide may provide the user with the option of selecting a particular type of channel, such as pay-per-view channel, and a color as a display criterion. Assignment of a color to the selected type of channel may occur at step 62 of FIG. 3. Thus the user may be alerted to certain types of programming, e.g., pay-per-view programming, without requiring the user to individually select or even know the names of all of the pay-per-view channels that are available." see Lemmons col. 7, lines 1-53.

In response to applicant's argument on pages 10 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

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In this case, Lemmons teaches first and second region display rating used in combination of the Herz's preference settings can be changed if the rating derived by the profile is incorrect. One skill in that art would have been obvious to provide wherein the preference settings can be changed if the rating derived by the profile is incorrect as taught by Herz to the interactive program guide user's interests in order to provide a program guide system which a user may set up a profile based on various preference attributes indicative of a user's interests.

On page 11 of the Remark; Applicant argues that Herz and Lemmons do not teach or suggest "a user changing a preference-setting profile". However, the limitations as claimed broadly read on "In a rave review, the customer may state his/her disagreement with the rating of a characteristic in a video program and put forward his/her own rating for each characteristic in the program. This provides a mechanism for adjustment of the content profiles. In general, the present invention may use the ratings of experts or test groups as the reference base. Generally, the calculation of the agreement scalar ac is based on the values of cp and sp . Since the values of cp and sp are used in calculating ac for all customers, any inaccuracy in their values will affect the final results for all customers. (By contrast, an inaccuracy in the value of a customer's cv and sv only affects the results for that customer.) By definition, customers collectively make ratings relatively closer to reality than any experts or test groups. In other words, the customer's rating is reality. For instance, if all the customers on the average tend to overestimate a particular characteristic (for one or all programs), then the experts' or test groups' objective ratings for that

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characteristic (for one or all programs) should be raised to agree with the customers' perceptions." see Herz col. 15, lines 45-65.

On page 12 of the Remark; Applicant argues that Herz and Lemmons do not teach or suggest "a second preference profile and a third region for displaying a rating from the second". However, the limitations as claimed broadly read on "The third approach in which profiles may be modified is shown in FIG. 10. Profiles display of FIG. 10 allows the user to view all selected display criteria for a given profile. Option 124 allows the user to select or change programs as display criteria. When a particular program is selected for option 124, the associated color 126 is displayed with it. Option 128 allows the user to set colors for various programs. Option 130 allows the user to add program titles to the profile. Option 132 allows the user to set colors for the additional programs. For some program characteristics, no display criteria have been selected. (E.g., no ratings have been selected.) Option 134 allows the user to select a rating as a display criteria, and option 136 permits the user to select a color for that rating. The options shown in profiles display 122 are illustrative only." see Lemmons col. 8, lines 36-65.

On page 13 of the Remark; Applicant argues that Herz and Lemmons do not teach or suggest "explicit-based preference profile and implicit-based preference profile". However, the limitations as claimed broadly read on When multiple profiles are used at the same time, the program guide may provide the user the option of selecting a display format at step 166, and subsequently displaying the list of programming at step 168. According to one display format, the program guide may display the criteria for a single profile only. Alternatively, the program

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guide may display colors for each active profile in a given field within the program cell. As yet another alternative, the colors for each profile may be displayed in a unique field or background. These techniques for following multiple profiles to be active at the same time are illustrative only. Any other suitable technique may be used if desired. For example, when multiple listings are active, the user may select at step 166 that colors for all active profiles will be displayed in a particular field, or portion, of the cell. Thus, when a program satisfies the criteria of both Profiles No. 1 and No. 2 (FIG. 14), the program guide may display Profile No. 1 selections on the left of each cell, and Profile No. 2 selections on the right of each cell. In the by-time listings display 170 of FIG. 17, the programs "Seinfeld," "60 Minutes", and the category drama satisfy the display criteria in Profile No. 1. The program ER and the category comedy satisfy the display criteria in Profile No. 2. The "Seinfeld" cell 172 contains two colors, one in each field, indicating that the program "Seinfeld" satisfies the criteria in both Profiles No. 1 and No. 2. Thus left field 174 corresponds to Profile No. 1 selections and right field 176 corresponds to Profile No. 2. To further distinguish the selections of two profiles, the colors may be displayed for each profile on a different pattern, such as a solid or striped background. Alternatively, the colors for each profile may be displayed with a unique icon. These display formats are merely illustrative examples of suitable visual indicators for easily distinguishing between the display criteria of two or more profiles. These approaches may be used in any suitable combination or any other suitable approach may be used to distinguish the results satisfying different profiles." see col. 10, lines 9-67.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (PTO-892).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response

6. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-6306 may be used for formal communications.

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Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Inquires

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703)-308-3116. The fax number for this group is (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

CAO (KEVIN) NGUYEN
PRIMARY EXAMINER

January 20, 2004